HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

Cont. Pet. NO. 101 OF 2006

PETITIONERS	1.	Bilaspur Niji Bus Malik Sangh (Registered Association) Through President, Shri Shiv Kumar Singh, S/o Late B.S. Thakur, aged about 48 years, residence of near Bus Stand Bilaspur, Chhattisgarh.
	2.	Shri Akhilesh Pathak, S/o Shri S.P. Pathak, aged about 40 years, residence of Gandhi Chowk, High Court Road, Bilaspur, Chhattisgarh.
	Versus	
RESPONDENTS	1.	J.L. Pekra, Secretary, R.T.A./R.T.O., Bilaspur.
	2.	Sudhir Singh, S/o Shri Mata Bux Singh, aged about 25 years, residence of Near New Bus Stand, Bilaspur, Chhattisgarh.

Present : Shri B.K. Rawat, learned counsel for the petitioners.

(ORAL ORDER)
(Passed on 16th June, 2006)

The complaint in this contempt petition is that the first respondent has violated the interim order passed by this Court on 20-04-2006 in M.W.P. No.1556/2006, in W.P. No.2042/2006. It is true that by the above interim order, the first respondent was directed not to grant temporary stage carriage permit as per the publication / agenda dated 10-04-2006, till final hearing of the above writ petition. However, it needs to be noticed that W.P. No. 2302/2006 filed by the second respondent herein, was disposed of by this Court on 03-05-2006 directing the first respondent herein to consider and dispose of the application of the second

(20)

respondent herein dated 10-04-2006 for grant of temporary stage carriage permit on the route Bilaspur to Sarangarh via Sheorinarayan and back, within a period of 10 days from the date of receipt of a copy of the order. The second respondent herein was not a party to the writ order dated 20-04-2006 made in M.W.P. No.1556/2006. Obviously, this Court disposed of the writ petition No.2302/2006 on 03-05-2006 without being aware of the earlier order made by this Court on 20-04-2006 in M.W.P. No.1556/2006. Although there is a technical violation on the part of the first respondent, it is not that the Court should take cognizance of every violation and initiate contempt proceedings. It cannot be said that the first respondent intentionally and deliberately violated the interim order made by this Court on 20-04-2006 in M.W.P. No.1556/2006 in W.P. No.2042/2006. On the other hand, it seems to my mind that the first respondent in order to comply with the final order passed by this Court on 03-05-2006 in W.P. No.2302/2006, proceeded to consider the application of the second respondent herein and it is stated that the permit has been granted in favour of the second respondent herein. In that view of the matter, it is not a fit case to initiate contempt proceedings against the first respondent. If the grant made in favour of the second respondent is invalid on any permissible ground, it is open for the petitioners to assail the validity of the same in an appropriate independent legal proceeding. That liberty is reserved to the petitioners. The contempt petition is closed. No costs.

Sd/-
Chief Justice

Sd/-